IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

***O R D E R***

S.B. CRIMINAL REVISION PETITION NO. 649/2000

THE STATE OF RAJASTHAN Vs. RAM KUNWAR

DATE: 10.01.2007.

**HON'BLE MR. K.S. RATHORE, J.**

Mr. Ashwani Kumar Sharma, PP for the State.

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Notice was issued by this Court to accused-respondent Ram Kunwar, which has been received duly served, but nobody appeared on behalf of the accused-respondent.

This criminal revision petition under Section 397 Cr.P.C. is preferred against the judgment dated 10.08.2000 passed by the Additional Chief Judicial Magistrate, Sawai Madhopur in Criminal Case No. 197/98, by which the accused-respondent has been discharged from the offence under Section 195 (1)(a) Cr.P.C.

As per Section 195(1) No Court shall take cognizance- (a)(i) of any offence punishable under Sections 172 to 188 (both inclusive) of the India Penal Code and as per 195(2) where a complaint has been made by a public servant under clause (a) of sub-section (1)

any authority to which he is administratively subordinate can make the complaint before the Court.

As per Section 182 of the Indian Penal Code, False information, with intent to cause public servant to use his lawful power to the injury of another person- Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such pubic servant -

(a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, or

(b) to use the lawful power of such public servant to the injury or annoyance of any person.

If the police officer found that the information which was furnished is false, in such eventuality, can inform the Magistrate. In the instant case, it is observed that during investigation the complaint which was made is found false, therefore, SHO filed complaint under Section 195 (1)(a) of Cr.P.C. The Court while dealing with complaint has not rightly appreciated the provisions of Section 182 IPC and 195 (1)(a) Cr.P.C. and has passed non-speaking order discharging the accused from the offence under Section 182.

Therefore, the order impugned dated 10.08.2000 requires interference and deserves to be quashed and set-aside and the same is hereby quashed and set-aside with direction to hear the matter afresh and decide the same by speaking order after considering the relevant provisions of law.

The revision petition stands allowed.

Record be sent back forthwith.

**(K.S. RATHORE),J.**

/KKC/